

SN 10/017,024  
Filed: 12/7/01  
Page 5

### REMARKS

This is filed in response to the Office Action mailed July 15, 2003. The Examiner identified eight distinct species of invention and required that Applicant to elect a single species for examination. The Examiner rejected claims 1-7 and 45-46 as being anticipated in view of US Patent 6,171,287.

Claims 8-44 have been withdrawn. Claims 1, 45 and 46 have been amended. As discussed below, the amended claims are believed patentable over the art of record and reconsideration is respectfully requested.

### Election

The Examiner indicated that there are eight distinct species of invention and identified claims 44 and 45 as being generic. (It is respectfully submitted that this was a typographical error and the Examiner believes claims 45 and 46 are generic.)

Applicant confirms the election made on the phone with the Examiner of Species 1, depicted in Figures 14-16. Claims 1-7, 45 and 46 read upon this species. Claims 45 and 46 are believed to be generic.

### Claim Rejections

Claims 1-7 and 45-46 were rejected as anticipated by US Patent 6,171,287 ("the '287 Patent"). Claim 1 has been amended to recite that the rib, which is formed on the septum, is displaced from the barb, which is on the housing. When the luer tip is inserted into the needleless luer access connector, the septum is displaced within the housing, causing the rib to engage the barb. In this manner, the engagement of the rib and the barb

SN 10/017,024  
Filed: 12/7/01  
Page 6

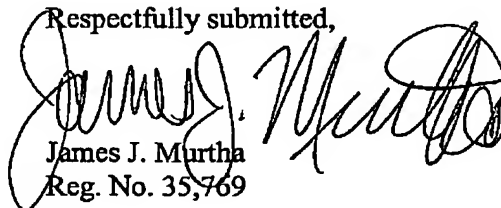
does not interfere with the insertion of the luer tip, but does control the relationship between the septum and the housing as the tip is withdrawn. The "barbs" 50 and the "ribs" 47 of the '287 Patent are engaged before the luer tip is inserted. Consequently, there is no teaching or suggestion of the selective engagement set forth in Claim 1 as amended, or the benefits flowing therefrom. Claims 2-7, which depend from claim 1, are believed patentable over the '287 Patent for at least this reason.

Claims 45 and 46 have been amended to make the relationship of the elements more clear, as well as to indicate that, upon insertion of the male luer tip, the upper cavity is substantially filled. This reduced dead space within the housing and, thus prevents trapping of fluids. This feature is neither taught nor suggested by the '287 Patent. Reconsideration of this rejection is respectfully requested in view of the amendments to these claims.

## CONCLUSION

The claims are believed patentable over the cited references and favorable action is requested. Should any outstanding issues remain, the Examiner is invited to call the undersigned.

Respectfully submitted,



James J. Murtha  
Reg. No. 35,769

Becton Dickinson and Company  
1 Becton Drive  
Franklin Lakes, NJ 07417-1880  
201-847-7160  
October 8, 2003  
#70942

RECEIVED  
CENTRAL FAX CENTER

OCT 08 2003

OFFICIAL